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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,875	05/08/2000	DONALD ARTHUR REYNOLDS	65008-018	4421

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HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151

EXAMINER

FONTAINE, MONICA A

ART UNIT	PAPER NUMBER
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1732

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/486,875
Filing Date: May 08, 2000
Appellant(s): REYNOLDS, DONALD ARTHUR

Harold W. Milton, Jr.
For Appellant

EXAMINER'S ANSWER

MAILED
AUG 25 2004
GROUP 1700

This is in response to the appeal brief filed 27 July 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences (there are none) which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on 27 July 2004 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

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(7) Grouping of Claims

The rejection of claims 1, 9, 11, 12 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

2,364,962	Eagles	12-1944
3,958,369	Mathellier	05-1976

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 9, 11, and 12 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 17 February 2004.

(11) Response to Argument

Applicant contends that Eagles and Mathellier do not teach the instant invention because neither reference teaches "removing solid portions of the rear surface of each extrusion along a line at the mitred ends behind the front surfaces". This is not persuasive because the portions which are removed in Eagles are solid extruded portions (See Eagles' Figures 3 and 4, elements 20 and 21; Column 2, lines 21-22, 35-39). It is

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noted that the claim merely requires the portions that are removed to be solid. The open claim construction does not preclude a hollow space between the two solid portions. Furthermore, this is not persuasive because the location along which Eagles' cut is made when removing the solid portions forms a distinct line (See Eagles' Figure 4), therefore suggesting the claimed "removing... along a line" step. Due to the open claim construction, it is noted that the instant Claim 9 only requires "removing... along a line" which includes any line along which the solid portion is removed.

Applicant contends that Eagles and Mathellier do not teach the instant invention because the invention relates to a solid extrusion which is distinguished from the hollow tubes of each reference. This is not persuasive because a "solid extrusion" is not claimed. Regarding independent Claim 1, Eagles' teachings clearly suggest applicant's claim because they show plastic extrusions (See Eagles' Figures 1-4, elements 19 and 21) with solid material between the surfaces (See Eagles' Figures 1-4, element 20). Regarding independent Claim 9, Eagles' teachings clearly suggest applicant's claim because they show two plastic extrusions of solid material (See Eagles' Figure 4, elements 19 and 21). It is noted that although there is a hollow space between Eagles' extrusion elements 19 and 21, the extrusions themselves are solid material.

Applicant contends that Eagles and Mathellier do not teach the instant invention because neither references teaches cutting away only the solid back along a line and injecting material to rebuild the solid back behind the front surfaces. This is not persuasive because Eagles clearly teaches the removal of a solid back portion along a line (See Eagles' Figure 4; Column 2, lines 35-39). To rebuild the removed back portion, Eagles inserts element 24 into the void left by the removed portion. Therefore, Eagles

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does not teach injecting material to rebuild the solid back behind the front surfaces.

Mathellier shows that it is known to carry out a method of rebuilding a removed back corner portion of an extrusion wherein EITHER a separate corner section is fitted into place (See Mathellier's Column 3, lines 27-28, 36-41), OR a corner section is injection molded directly onto the relevant lengths of the extrusion (See Mathellier's Column 3, lines 57-61). Furthermore, Mathellier shows that the advantage of injection molding the back corner piece is that the molded piece cures and thus becomes secured to the existing extrusion (See Mathellier's Column 4, lines 1-3). Therefore, it is maintained that it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Mathellier's injection molding process to mold Eagles' element directly onto his extrusions in order to obtain a better seal between the inserted element and the existing extrusion.

Applicant contends that Eagles' strips could not be placed in a mold to receive injected plastic because the plastic would run freely down the hollow extrusions. This is not persuasive because Mathellier's extrusions also contain hollow portions (See Mathellier's Figure 1). In order to operate a successful injection molding process, i.e. to prevent the injected plastic from running freely down the hollow extrusion, Mathellier's mold "has a moulding cavity shaped to the desired profile of the corner section 18, and also has guides leading into the cavity at suitable angles which hold the two lengths...at correct attitudes" (See Mathellier's Column 3, lines 61-66), and he uses a "suitably shaped mould core" (See Mathellier's Column 4, lines 3-4). Therefore, since Mathellier shows that it is known to be able to injection mold a back portion corner insert onto a hollow extrusion, it is maintained that the article of Eagles could also be placed in an

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appropriate mold cavity and receive a successfully-injection molded back portion corner section.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Monica A. Fontaine
August 12, 2004



Conferees
Michael Colaianni



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER

~~APPEAL CONFERENCE~~

ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700



HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151